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Rules, Regulations, Orders

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

CHAPTER II—AGRICULTURAL MARKETING SERVICE

PART 204—POSTED STOCKYARDS AND LIVE POULTRY MARKETS

NOTICE RELATIVE TO STOCKMEN'S COMMISSION COMPANY, MISSOULA, MONTANA¹

MARCH 10, 1941.

Notice is hereby given that after inquiry, as provided by section 302 (b) of the Packers and Stockyards Act, 1921 (7 U.S.C. Sec. 202 (b)), it has been ascertained by me that the stockyard known as the Northern Pacific Stockyards at Missoula, State of Montana, is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers, and other persons concerned is directed to sections 303 and 306 (7 U.S.C. Secs. 203 and 207) and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 41-1862; Filed, March 13, 1941; 11:07 a. m.]

PART 204—POSTED STOCKYARDS AND LIVE POULTRY MARKETS

NOTICE TO GRANGE LIVESTOCK MARKETING ASSOCIATION, INC., LEWISTON, IDAHO¹

MARCH 12, 1941.

Notice is hereby given that after inquiry, as provided by section 302 (b) of the Packers and Stockyards Act, 1921 (7 U.S.C. Sec. 202 (b)), it has been ascertained by me that the stockyard known as the Camas Prairie Railroad Stockyards at Lewiston, State of Idaho, is subject to the provisions of said Act.

¹ Modifies list posted stockyards 9 CFR 204.1.

The attention of stockyard owners, market agencies, dealers, and other persons concerned is directed to sections 303 and 306 (7 U.S.C. Secs. 203 and 207) and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 41-1863; Filed, March 13, 1941; 11:07 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4070]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF THE COAL CARBURETOR COMPANY ET AL.

§ 3.6 (j) (3) *Advertising falsely or misleadingly—Government approval, connection or standards—Government indorsement:* § 3.6 (1) *Advertising falsely or misleadingly—Indorsements and testimonials:* § 3.18 *Claiming indorsements or testimonials falsely.* Representing, in connection with offer, etc., in commerce, of equipment designed for purpose of facilitating combustion of coal and gases in furnaces and designated as "Coal Carburetor", that said equipment designated as "Coal Carburetor" has been endorsed, approved or recommended by the United States Government or any of its branches, departments, bureaus or agencies, or that its use has been advocated or approved by the United States Bureau of Mines, or that it has been endorsed, approved or recommended by any public health authority or any other recognized group, association or organization for the advancement, promotion, protection or preservation of health, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, The Coal Carburetor Company et al, Docket 4070, March 5, 1941]

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FEDERAL REGISTER

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§ 3.6 (a10) *Advertising falsely or misleadingly—Comparative data or merits:*
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and designated as "Coal Carburetor", that "Coal Carburetor" is the most efficient means known for producing heat from coal or that such efficiency has been established by comparative tests with other equipment and devices designed for the same general purpose, unless and until the truth of such representation has been actually established by such tests, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, The Coal Carburetor Company et al., Docket 4070, March 5, 1941]

In the Matter of The Coal Carburetor Company, a Corporation, and Thornton W. Price, Individually and as President of Said Corporation

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of March, A. D. 1941.

This proceeding having been heard¹ by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondents and a stipulation as to the facts entered into between the respondents herein and W. T. Kelley, Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure, the Commission may issue and serve upon the respondents herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, Coal Carburetor Company, a corporation, its officers, agents, representatives, servants and employees, and Thornton W. Price, his agents, representatives, servants and employees, directly or through any corporate or other device in connection with the offering for sale, sale and distribution of equipment designed for the purpose of facilitating the combustion of coal and gases in furnaces and designated as "Coal Carburetor", in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing that said equipment designated as "Coal Carburetor" has been endorsed, approved or recommended by the United States Government or any of its branches, departments, bureaus or agencies; or that its use has been advocated or approved by the United States Bureau of Mines; or that it has been endorsed, approved or recommended by any public health authority or any other recognized group, association or organization for the advancement, promotion, protection or preservation of health;

2. Representing that "Coal Carburetor" is the most efficient means known for producing heat from coal or that

such efficiency has been established by comparative tests with other equipment and devices designed for the same general purpose, unless and until the truth of such representation has been actually established by such tests.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-1865; Filed, March 13, 1941; 11:28 a. m.]

[Docket No. 3636]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF SCHUTTER CANDY COMPANY

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of candy or other merchandise, any merchandise so packed and assembled that sales thereof to the public are to be, or may be, made by means of a game or chance, gift enterprise or lottery scheme, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Schutter Candy Company, Docket 3636, March 6, 1941]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Supplying, etc., in connection with offer, etc., in commerce, of candy or other merchandise, others with packages or assortments of candy which are to be, or may be, used to conduct a lottery, gaming device or gift enterprise in the sale or distribution of said candy contained in said packages or assortments to the public, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Schutter Candy Company, Docket 3636, March 6, 1941]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Supplying, etc., in connection with offer, etc., in commerce, of candy or other merchandise, others, for sale to the public with assortments of candy, whether contained in one or more than one package, composed of different colored pieces of candy of uniform size and shape individually wrapped in opaque wrappers, and larger pieces of candy or other merchandise, which said larger pieces of candy or other merchandise are to be, or may be, given as prizes to the purchasers procuring pieces of candy of a particular color, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Schutter Candy Company, Docket 3636, March 6, 1941]

¹ 6 F.R. 846.

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Supplying, etc., in connection with offer, etc., in commerce, of candy or other merchandise, others with any lottery device, which device is to be, or may be, used in selling or distributing respondent's merchandise to the public by means of a game of chance, gift enterprise or lottery scheme, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Schutter Candy Company, Docket 3636, March 6, 1941]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of candy or other merchandise, any merchandise by means of a game of chance, gift enterprise or lottery scheme, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Schutter Candy Company, Docket 3636, March 6, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of March, A. D. 1941.

This proceeding having been heard¹ by the Federal Trade Commission upon the complaint of the Commission (respondent having filed no answer thereto), testimony and other evidence taken before Miles J. Furnas, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, briefs filed herein and oral argument by D. C. Daniel, counsel for the Commission, and Lewis E. Pennish, counsel for the respondent, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent Schutter Candy Company, a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of candy or any other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, shall forthwith cease and desist from:

(1) Selling or distributing any merchandise so packed and assembled that sales thereof to the public are to be made or may be made by means of a game of chance, gift enterprise or lottery scheme.

(2) Supplying to, or placing in the hands of, others packages or assortments of candy which are to be used or may be used to conduct a lottery, gaming device or gift enterprise in the sale or distribution of said candy contained in said packages or assortments to the public.

(3) Supplying to, or placing in the hands of, others for sale to the public assortments of candy, whether contained in one or more than one package, com-

posed of different colored pieces of candy of uniform size and shape individually wrapped in opaque wrappers, and larger pieces of candy or other merchandise, which said larger pieces of candy or other merchandise are to be given or may be given as prizes to the purchasers procuring pieces of candy of a particular color.

(4) Supplying to, or placing in the hands of, others any lottery device, which device is to be used or may be used in selling or distributing respondent's merchandise to the public by means of a game of chance, gift enterprise or lottery scheme.

(5) Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise or lottery scheme.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-1864; Filed, March 13, 1941;
11:28 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER I—MONETARY OFFICES

PART 167—GENERAL LICENSE NO. 37 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.¹

A general license is hereby granted authorizing banking institutions within the United States to make all payments, transfers and withdrawals from accounts in the name of citizens of the United States while such citizens are within any foreign country in the course of their employment by the Government of the United States.

Banking institutions within the United States engaging in any transactions authorized by this general license shall file promptly with the appropriate Federal Reserve Bank monthly reports setting forth the details of such transactions during such period.

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 41-1870; Filed, March 13, 1941;
11:48 a. m.]

¹ Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; Public Resolution No. 69, 76th Congress; 12 U.S.C. 95a; E.O. 6560, Jan. 15, 1934; E.O. 8389, April 10, 1940; E.O. 8405, May 10, 1940; E.O. 8446, June 17, 1940; E.O. 8484, July 15, 1940; E.O. 8493, July 25, 1940; E.O. 8565, October 10, 1940; E.O. 8701, March 4, 1941; Regulations, April 10, 1940, as amended May 10, 1940, June 17, 1940, July 15, 1940, October 10, 1940, and March 4, 1941.

Notices

WAR DEPARTMENT.

[Contract No. W-6108 QM-81 O. I. N. 6108
CQM 41-28]

CONTRACT FOR CONSTRUCTION

CONTRACTOR: GEORGE A. FULLER COMPANY,
597 MADISON AVENUE, NEW YORK, N. Y.

Contract for: Construction and Completion of Temporary Housing.

Amount: \$5,531,000 (estimated).

Place: Fort Dix, New Jersey.

This is to certify that the supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and chargeable to Procurement Authorities QM 8748 P-1-3211 A-0540.063-N and QM 8016 P-3-3211 A-0002.003-02 the available balances of which are sufficient to cover cost of same.

This Contract, entered into this 28th day of August 1940.

Statement of work. The contractor shall furnish the materials, and perform the work for construction and completion of temporary housing for the consideration of five million, five hundred thirty-one thousand dollars (\$5,531,000.00) (estimated) in strict accordance with the specifications, schedules, and drawings, all of which are made a part hereof.

Changes. The contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings and/or specifications of this contract and within the general scope thereof.

Delays-Damages. If the contractor refuses or fails to prosecute the work, or any separable part thereof, with such diligence as will insure its completion within the time specified in article 1, or any extension thereof, or fails to complete said work within such time, the Government may, by written notice to the contractor, terminate his right to proceed with the work or such part of the work as to which there has been delay. If the Government does not terminate the right of the contractor to proceed, the contractor shall continue the work, in which event the actual damages for the delay will be impossible to determine and in lieu thereof the contractor shall pay to the Government as fixed agreed, and liquidated damages for each calendar day of delay until the work is completed or accepted the amount as set forth in the specifications or accompanying papers and the contractor and his sureties shall be liable for the amount thereof.

Payments to contractors. Unless otherwise provided in the specifications, partial payments will be made as the work progresses at the end of each calendar month, or as soon thereafter as practicable, on estimates made and approved by the contracting officer. In preparing estimates the material delivered on the site and preparatory work done may be taken into consideration.

¹ 4 F.R. 1607.

All material and work covered by partial payments made shall thereupon become the sole property of the Government.

Upon completion and acceptance of all work required hereunder, the amount due the contractor under this contract will be paid upon the presentation of a properly executed and duly certified voucher therefor.

This contract is authorized by the act of Congress—First Supplemental National Defense Appropriation Act—1941, Public, No. 667—76th Congress, Approved June 26, 1940.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-1852; Filed, March 12, 1941;
2:22 p. m.]

[Contract No. W 6367 qm-1; O. I. No. 1-41]

**SUMMARY OF COST-PLUS-A-FIXED-FEE
ARCHITECT-ENGINEER SERVICES¹**

ARCHITECT-ENGINEER: J. B. M'CRARY ENGINEERING CORPORATION, 22 MARIETTA STREET BUILDING, ATLANTA, GEORGIA

Amount fixed fee: \$23,850.00.

Estimated cost of construction project: \$2,558,136.00.

Type of construction project: Construction of a Complete Tent Camp, including the necessary buildings, temporary structures, utilities and appurtenances thereto.

Location: Camp Savannah, Savannah, Georgia.

Type of service: Architect-Engineering.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to, Procurement Authority No. QM 8052 P3-3211 A 0002.003-02, the available balance of which is sufficient to cover the cost of same.

This Contract, entered into this 9th day of September 1940.

Description of the work. The Architect-Engineer shall perform all the necessary services provided under this contract for the following described project: Construction of a complete Tent Camp, including the necessary buildings, temporary structures, utilities and appurtenances thereto, at Camp Savannah, Savannah, Georgia, and estimated to cost \$2,558,136.00.

Data to be furnished by the Government. The Government shall furnish the Architect-Engineer available schedules of preliminary data, layout sketches, and other information respecting sites, topography, soil conditions, outside utilities and equipment as may be essential for the preparation of preliminary sketches and the development of final drawings and specifications.

¹ Approved by The Assistant Secretary of War September 11, 1940.

Fixed-fee and reimbursement of expenditures. In consideration for his undertakings under the contract, the Architect-Engineer shall be paid the following:

A fixed fee in the amount of twenty-three thousand eight hundred and fifty dollars (\$23,850.00) which shall constitute complete compensation for the Architect-Engineer's services.

Reimbursement for the following expenditures:

The actual cost of expenditures made by the Architect-Engineer under the provisions of Article IV and Article VII of this contract, subject to the provisions of paragraph 1 b. (2) above.

Payments shall be made on vouchers approved by the Contracting Officer on standard forms, as soon as practicable after the submission of statements, with original certified payrolls, receipted bills for all expenses including materials, supplies and equipment, and all other supporting data and the amount of the Architect-Engineer's fixed fee earned.

All drawings, specifications, and blue prints are to become the property of the Government on completion of payments.

Changes in scope of project. The Contracting Officers may at any time, by a written order, make changes in the scope of the work contemplated by this contract.

Termination for cause or for convenience of the Government. The Government may terminate this contract at any time and for any cause by a notice in writing from the Contracting Officer to the Architect-Engineer.

This contract is authorized by the following laws:

Public No. 611—76th Congress, approved June 13, 1940.

Public No. 703—76th Congress, approved July 2, 1940.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-1850; Filed, March 12, 1941;
2:21 p. m.]

[Contract No. W 6367 qm-2; O. I. No. 2-41]

SUMMARY OF COST-PLUS-A-FIXED-FEE CONSTRUCTION CONTRACT¹

CONTRACTOR: A. K. ADAMS & COMPANY AND W. C. SHEPHERD, AN INDIVIDUAL, OF ATLANTA, GEORGIA

Fixed-fee: \$106,890.

Contract for: Construction of a complete tent camp, including necessary buildings, temporary structures, utilities and appurtenances thereto.

Place: Savannah, Georgia.

Estimate cost of project, \$2,449,156.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following procurement authorities, the available balances of

which are sufficient to cover the cost of the same:

QM 8044 P 3-3211 A 0002.003-02

This Contract, entered into this 9th day of September 1940.

Statement of work. The Contractor shall, in the shortest possible time, furnish the labor, materials, tools, machinery, equipment, facilities, supplies, not furnished by the Government, and services, and do all things necessary for the completion of the following work: Construction of a Complete Tent Camp, including necessary buildings, temporary structures, utilities and appurtenances thereto, at Savannah, Georgia.

It is estimated that the total cost of the construction work covered by this contract will be approximately two million four hundred forty-nine thousand one hundred fifty-six dollars (\$2,449,156.), exclusive of the Contractor's fee.

In consideration for his undertaking under this contract the Contractor shall receive the following:

(a) Reimbursement for expenditures as provided in article II.

(b) Rental for Contractor's equipment as provided in article II.

(c) A fixed fee in the amount of one hundred eight thousand nine hundred eighty dollars (\$108,980.) which shall constitute complete compensation for the Contractor's services, including profit and all general overhead expenses.

The Contracting Officer may, at any time, by a written order and without notice to the sureties, make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by the contract.

The title to all work, completed or in the course of construction, shall be in the Government. Likewise, upon delivery at the site of the work or at an approved storage site and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment and supplies, for which the Contractor shall be entitled to be reimbursed under article II, shall vest in the Government.

Payments—Reimbursement for cost. The Government will currently reimburse the Contractor for expenditures made in accordance with article II upon certification to and verification by the Contracting Officer of the original signed pay rolls for labor, the original paid invoices for materials, or other original papers. Generally, reimbursement will be made weekly but may be made at more frequent intervals if the conditions so warrant.

Rental for Contractor's equipment. Rental as provided in article II for such construction plant or parts thereof as the Contractor may own and furnish shall be paid monthly upon presentation of proper vouchers.

Payment of the fixed-fee. The fixed-fee prescribed in article I shall be compensation in full for the services of the Contractor, including profit and all general overhead expenses. Ninety percent (90%) of said fixed-fee shall be paid as it accrues, in monthly installments based upon the percentage of the completion of the work as determined from estimates made and approved by the Contracting Officer. Upon completion of the work and its final acceptance, any unpaid balance of the fee shall be paid to the Contractor.

Termination of contract by Government. Should the Contractor at any time refuse, neglect, or fail to prosecute the work with promptness and diligence, or default in the performance of any of the agreements herein contained, or should conditions arise which make it advisable or necessary in the interest of the Government to cease work under this contract, the Government may terminate this contract by a notice in writing from the Contracting Officer to the Contractor.

This contract is authorized by the following laws:

Public No. 611—76th Congress, Approved June 13, 1940.

Public No. 703—76th Congress, Approved July 2, 1940.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-1851; Filed, March 12, 1941;
2:22 p. m.]

[Contract No. W 669 qm-9123 (O. I. No. 1976)]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: J. P. STEVENS & COMPANY,
INCORPORATED

Contract for: Cloth, Cotton, Khaki.

Amount: \$3,126,110.00.

Place: Philadelphia Quartermaster Depot, Philadelphia, Pa.

This Contract entered into this ninth day of October 1940.

Scope of this contract. The contractor shall furnish and deliver * * * Cloth, Cotton, Khaki, * * * for the consideration stated totaling three million one hundred twenty-six thousand, one hundred ten dollars (\$3,126,110.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or

exceed either \$1,000 or 50 percent of the total amount of the contract.

Delays—Liquidated damages. If the contractor refuses or fails to make delivery of the materials or supplies within the time specified in Article 1, or any extension thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government, as fixed, agreed, and liquidated damages for each calendar day of delay in making delivery, the amount as set forth in the specifications or accompanying papers, and the contractor and his sureties shall be liable for the amount thereof.

Liquidated damages. Under the terms and conditions stipulated in Article 17 of this contract, the contractor shall pay to the Government, as liquidated damages, for each unit undelivered, a sum equal to * * * percentum of the price of each unit for each day's delay after the date or dates specified.

Bond: Furnished. Amount: \$625,-222.00.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 350 P2-0240 A 0515-01, the available balance of which is sufficient to cover cost of same.

This contract authorized by Procurement Directive No. P-C-63.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-1849; Filed, March 12, 1941;
2:21 p. m.]

[Contract No. W-670-ORD-1711]

SUMMARY OF CONTRACT¹ FOR SUPPLIES

CONTRACTOR: PECO MANUFACTURING
CORPORATION

Contract for: Sets of Metal Parts for Fuze, Bomb, Nose.

Amount: \$1,005,280.00.

Place: Philadelphia Ordnance District, Mitten Building, Philadelphia, Pa.

The supplies to be obtained under Article 1 of this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority Ord-6900-P11-0270-A1005-01, the available balance of which is sufficient to cover the cost of same.

This Contract, entered into this 7th day of January 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Sets of Metal Parts for Fuze, Bomb, Nose, for the consideration stated of one million, five thousand, two hundred eighty dollars (\$1,005,280.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

¹ Approved by the Under Secretary of War February 20, 1941.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government when requested by the contractor, whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

Liquidated damages. If the contractor refuses or fails to make delivery of the materials or supplies within the time specified in Article 1, or any extension thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof, the contractor shall pay to the Government, as fixed, agreed, and liquidated damages * * * % of the contract price of the undelivered portion for each day of delay in making delivery beyond the dates set forth in the contract for deliveries with a maximum liquidated damage charge of * * * %, and the contractor and his sureties shall be liable for the amount thereof.

Termination when contractor not in default. This contract is subject to termination by the Government at any time as its interests may require.

Quantities. The Government reserves the right to increase the quantity of this contract by as much as * * * %, and at the unit price specified in Article 1, such option to be exercised within * * * days from date of this contract.

Place of manufacture. The contractor will perform the work under this contract in the factory or factories listed below:

Peco Manufacturing Corporation
Philadelphia, Pennsylvania

Performance bond. Contractors shall be required to furnish a performance bond in duplicate in the sum of ten per centum of the total amount of this contract with surety or other security acceptable to the Government to cover the successful completion of this contract.

Advance payments. (a) At any time and from time to time, after the approval of this contract, at the request of the Contractor and subject to the approval of the Chief of Ordnance, as to the necessity therefor, the Government shall advance to the contractor, without payment of interest therefor by the contractor, sums not to exceed \$301,584.00.

(b) It is mutually agreed that, as a condition precedent to the advance of funds, as indicated in paragraph (a) of this Ar-

ticle, the contractor will furnish the Government with surety bond or other adequate security satisfactory to the Secretary of War for the full amount of the advance payment herein agreed upon. If at any time the Secretary of War deems the security furnished by the Contractor inadequate, the Contractor shall furnish such additional security as shall be satisfactory to the Secretary of War.

(c) The contractor agrees to liquidate the full amount of the advance payment here authorized as follows: Deduction of 30% from any and all payments made by the Government under the terms of this contract until the advance payment is fully liquidated.

This contract is authorized by the following law: The act of July 2, 1940 (Public No. 703, 76th Congress).

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-1848; Filed, March 12, 1941;
2:21 p. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-552]

PETITION OF DISTRICT BOARD 2 FOR REVISION OF THE EFFECTIVE MINIMUM PRICES OF TRUCK COALS AT VARIOUS MINES IN DISTRICT No. 2

STAY OF FINAL RELIEF HERETOFORE GRANTED TO PAUL H. WEISE AND NOTICE OF AND ORDER FOR HEARING

A petition pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 having been duly filed with this Division by the above named party, and by Order of the Director, dated January 31, 1941, minimum prices having been temporarily made effective for certain mines listed therein, including the Morris Mine (Mine Index No. 156) of Paul H. Weise; and

The Order of the Director granting temporary relief having provided that the prices therein determined shall become permanent within 60 days unless otherwise ordered and having limited the time for filing protests; and

Paul H. Weise having timely filed a protest against the minimum prices temporarily determined for the coals of the Morris Mine (Mine Index No. 156);

It is ordered, That the prices temporarily established for the Morris Mine (Mine Index No. 156) by the Order of the Director, dated January 31, 1941, be continued in effect pending a final hearing thereon;

It is further ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on March 25, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth St., NW., Washington, D. C. On such day the Chief of the Records Section in room 502

will advise as to the room where such hearing will be held.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the Rules and Regulations of the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before March 20, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to a revision of the prices heretofore established for coals of the Morris Mine (Mine Index No. 156) of Paul H. Weise, a code member in District 2, for truck shipment.

Dated: March 12, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-1876; Filed, March 13, 1941;
12:02 p. m.]

[Docket No. A-595]

PETITION OF WUKELIC COAL COMPANY, TERMANA BROTHERS COAL COMPANY AND CARMAN COAL COMPANY FOR SPECIAL RELIEF UNDER THE PROVISIONS OF PRICE INSTRUCTION No. 9 OF SUPPLEMENT No. 1 TO PRICE SCHEDULE No. 1 FOR DISTRICT No. 4

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed

with this Division by the above-named parties;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on March 24, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Shipman or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before March 19, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to an application requesting permission to add less than the actual cost of transportation to the price of truck coal produced at the mines of the applicants when sold and delivered to the Kaul Clay Company at Toronto, Ohio. In particular the application seeks permission to add 15¢ per ton to the f. o. b. mine price as the transportation charge for such movement.

Notice is hereby given that all parties, including the district boards, should be

prepared to present specific and accurate evidence, at the hearing, concerning the level of transportation costs and charges on coal shipped by truck into Jefferson County, Ohio.

Dated: March 12, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-1874; Filed, March 13, 1941;
12:02 p. m.]

[Docket No. A-620]

PETITION OF DISTRICT BOARD 9 REQUESTING AN INCREASE IN THE EFFECTIVE MINIMUM PRICES ESTABLISHED FOR CERTAIN COALS PRODUCED IN DISTRICT NO. 9 FOR TRUCK SHIPMENT, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

NOTICE OF AND ORDER FOR POSTPONEMENT OF HEARING AND PLACE OF HEARING AND REDESIGNATING EXAMINER

The hearing in the above-entitled matter having heretofore been postponed and assigned for public hearing before Edward J. Hayes, the duly designated Trial Examiner, on March 11, 1941, at 10 a. m. at a hearing room of the Bituminous Coal Division, Post Office Building, Evansville, Indiana; and

W. W. Crick, et al., intervenors herein, having moved and shown good cause and necessity why said hearing should be postponed; and

The original petitioner herein, Bituminous Coal Producers Board for District No. 9, having indicated it would not oppose said postponement;

It is therefore ordered, That the hearing in the above-entitled matter be, and it hereby is, postponed until April 11, 1941, at 10 a. m. at a hearing room of the Bituminous Coal Division, U. S. Court Room, Owensboro, Kentucky; and

It is further ordered, That Charles O. Fowler be, and he hereby is, duly designated to preside at the hearing in the above-entitled matter vice Edward J. Hayes.

The time to file a petition of intervention herein is extended to and including April 7, 1941.

Dated: March 12, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-1875; Filed, March 13, 1941;
12:02 p. m.]

[Docket No. 1604-FD]

IN THE MATTER OF LITTLE JOHN COAL COMPANY, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated February 27, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on March 3, 1941, by Bituminous Coal Producers' Board for District No. 10 a district board, complainant, with the Bituminous Coal Division alleging willful vio-

lation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on April 21, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the County Court House, Galesburg, Illinois.

It is further ordered, That D. C. McCurtain, or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said

complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: by selling to various persons, firms and corporations during the period subsequent to September 30, 1940, coal produced by the defendant at its Little John Mine located in Knox County, Illinois and sold from the loading dock located approximately fourteen miles from its mine at the following prices: (a) 6" x 4" washed egg coal at \$2.50 per ton f. o. b. the loading dock, (b) 6" x 2" washed egg at \$2.35 per ton f. o. b. the loading dock, (c) 4" x 2" washed nut coal at \$2.30 per ton f. o. b. the loading dock, and (d) 3/4" washed slack coal at \$2.10 per ton f. o. b. the loading dock, whereas the sales prices charged for the aforesaid sizes of coal f. o. b. the loading dock, respectively, should have been \$2.61 per ton for 6" x 4" washed egg coal, \$2.46 per ton for 6" x 2" washed egg coal, \$2.41 per ton for 4" x 2" washed nut coal, and \$2.21 per ton for 3/4" washed slack coal.

Dated: March 12, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-1873; Filed, March 13, 1941;
12:01 p. m.]

General Land Office.

STOCK DRIVEWAY WITHDRAWAL No. 189,
WYOMING No. 32, REDUCED

MARCH 7, 1941.

Departmental order of February 3, 1928, withdrawing certain lands in Wyoming for stock driveway purposes under section 10 of the act of December 29, 1916, as amended by the act of January 29, 1929, 39 Stat. 865, 45 Stat. 1144; 43 U.S.C. 300, is hereby revoked so far as it affects the following-described lands:

SIXTH PRINCIPAL MERIDIAN

T. 35 N., R. 83 W.,
sec. 6, N 1/2;
T. 35 N., R. 84 W.,
sec. 1, S 1/2 N 1/2, SW 1/4, W 1/2 SE 1/4,
sec. 2, S 1/2 N 1/2, S 1/2,
sec. 3, SE 1/4 SE 1/4;
aggregating 1,232.04 acres.

OSCAR L. CHAPMAN,

Assistant Secretary of the Interior.

[F. R. Doc. 41-1854; Filed, March 13, 1941;
9:27 a. m.]

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

DESIGNATION OF LOCALITIES IN PARISH OF GRANT, STATE OF LOUISIANA, IN WHICH LOANS MAY BE MADE

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 23, 1940, loans made in Grant Parish, Louisiana,

under Title I of the Bankhead-Jones Farm Tenant Act, may be made within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with provisions of those rules and regulations. There follow a description of the localities and the determination of value for each of these localities:

Locality I: Ward Numbers 1 and 2. Value: \$2,667.

Locality II: Ward Numbers 3, 6, and 7. Value: \$1,507.

Locality III: Ward Numbers 4 and 5. Value: \$1,671.

Approved: March 1, 1941.

[SEAL] J. O. WALKER,
Acting Administrator.

[F. R. Doc. 41-1859; Filed, March 13, 1941;
11:07 a. m.]

Rural Electrification Administration.

[Administrative Order No. 562]

ALLOCATION OF FUNDS FOR LOANS

MARCH 8, 1941.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project Designation:	Amount
Texas 1121A1 Brazos.....	\$250,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 41-1861; Filed, March 13, 1941;
11:07 a. m.]

DEPARTMENT OF COMMERCE.

Office of the Secretary.

[Order No. 87]

REGULATIONS TO PROMOTE SAFETY OF LIFE AT SEA DURING THE INTERCOLLEGIATE REGATTA AT POUGHKEEPSIE, NEW YORK, ON JUNE 25, 1941

MARCH 13, 1941.

The following regulations are hereby prescribed under authority of the Act of April 28, 1908 (35 Stat. 69):

On the day of the regatta all visiting yachts and excursion boats will be given positions to the eastward of the established easterly line of the course in the order of arrival and application. Small yachts and boats will be given positions in front of the larger craft. No vessels will be allowed to anchor to the westward of the course or within 100 yards up stream or down stream from the finish line on either side of course.

All visiting vessels must be anchored in their assigned positions one hour before the start of the first race, and there-

after until the finish of the last race of the day no vessel will be allowed on the course excepting the steward's boat, the launches of the competing crews, and other official boats.

No vessel shall pass up or down the river during the progress of the races. A succession of sharp, short whistles from the United States vessel patrolling the course shall serve as a signal for vessels to stop. Pilots of vessels shall stop when directed to do so by the United States officer in charge.

No vessel will be allowed to make fast to the judges' boat at the finish line, excepting boats carrying telephone or telegraph cables and the steward's dispatch boat.

Prior to the alignment of the crews on the starting line, all vessels entitled to follow excepting the steward's boat shall take their places to the eastward of the course and shall not be permitted to run ahead of the steward's boat or any crew continuing in the race.

No vessel or boat of any description shall pass over the course until fifteen minutes after the conclusion of the last race, and then with due regard for the safety of competing crews returning to their training quarters over the course.

The above regulations will be enforced subject to the discretion of the United States officer in charge.

If the regatta is postponed because of inclement weather until a later date, the above regulations shall be effective on that later date.

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 41-1866; Filed, March 13, 1941;
11:30 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF CANCELLATION OF SPECIAL CERTIFICATE FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that a special certificate for the employment of learners in the hosiery industry issued to Berkshire Knitting Mills, Wyomissing, Pennsylvania on October 29, 1940 has been ordered cancelled pursuant to term 5 thereof which provides that it may be cancelled prospectively if it is found that it is not necessary to prevent a curtailment of opportunities for employment. The company in a letter dated February 11, 1941 agreed to a cancellation without a hearing. Negotiations respecting cancellation were commenced in December 1940 upon the basis of reports that experienced workers are available for employment in the area of Reading, Pennsylvania in which the company is located. The cancellation shall not apply to learners already on the payroll of the company and employed within the terms of the certificate; these learners may complete

the learning period designated for their respective occupations on the certificate.

Signed at Washington, D. C., this 12th day of March 1941.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 41-1868; Filed, March 13, 1941;
11:45 a. m.]

NOTICE OF CONFIRMATION OF SPECIAL CERTIFICATE FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that a special certificate for the employment of learners issued to B. Schwartz & Company, Philadelphia, Pennsylvania, effective on September 10, 1940 and expiring on December 3, 1940 has been ordered confirmed following a hearing on the question of violation held on February 6, 1941.

The order of confirmation shall not become effective until after the expiration of a fifteen-day period following the date on which this Notice appears in the FEDERAL REGISTER. During this time petitions for reconsideration or review may be filed by any aggrieved person under § 522.13 of the Regulations. If a petition is properly filed, the effective date of the order of confirmation shall be postponed until final action is taken on the petition.

Signed at Washington, D. C., this 12th day of March 1941.

GUSTAV PECK,
Authorized Representative
of the Administrator.

[F. R. Doc. 41-1869; Filed, March 13, 1941;
11:45 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-202]

IN THE MATTER OF MEMPHIS NATURAL GAS COMPANY

ORDER FIXING DATE OF HEARING AND SUSPENDING RATE SCHEDULE

MARCH 11, 1941.

It appearing to the Commission that:

(a) On August 22, 1938, Memphis Natural Gas Company filed with the Commission agreements dated August 1, 1928, and September 1, 1934, with the Mississippi Power and Light Company, respectively designated in the files of the Commission as Memphis Natural Gas Company Rate Schedule FPC No. 3 and Supplement No. 2 thereto, providing for the sale of natural gas by the Memphis Natural Gas Company to Mississippi Power and Light Company for resale for ultimate public consumption for domestic, commercial, industrial, or any other use;

(b) On February 15, 1941, Memphis Natural Gas Company filed with the Commission a notice dated February 12, 1941, designated in the files of the Commission as Memphis Natural Gas Company Sup-

plement No. 1 to Supplement No. 2 to Rate Schedule FPC No. 3, providing that increased rates or charges for such sales of natural gas to Mississippi Power & Light Company for resale to domestic consumers shall be made effective as of January 2, 1941;

(c) Without the approval of the Commission giving retroactive effect to said Supplement No. 1 to Supplement No. 2 to Rate Schedule FPC No. 3, as Memphis Natural Gas Company has requested, the said schedules, unless suspended by order of the Commission, will become effective as of March 17, 1941, pursuant to the provisions of the Natural Gas Act and the amended Provisional Rules of Practice and Regulations thereunder;

(d) In purported justification of such proposed rates, Memphis Natural Gas Company states that it desired to be "compensated in part for periodic increases in the cost of gas to said Memphis Natural Gas Company, as may result from modification in charges to be made under this Company's gas purchase contract dated May 24, 1938, with United Gas Pipe Line Company for gas sold to us. Recently there has been a modification of this contract * * * which increased the cost of gas purchased by this Company * * * at the rate of $\frac{1}{4}$ ¢ per thousand cubic feet," and that the increase in the rate to Mississippi Power & Light Company is thereby justified;

(e) The schedule of increased rates or charges contained in said Memphis Natural Gas Company Supplement No. 1 to Supplement No. 2 to Rate Schedule FPC No. 3 may result in excessive rates or charges to Mississippi Power & Light Company or place an undue burden upon ultimate consumers of natural gas, and said increased rates or charges have not been shown to be justified;

The Commission finds that:

It is necessary, desirable, and in the public interest that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rates or charges, and that said proposed increased rates or charges be suspended pending such hearing and the decision thereon;

The Commission, upon its own motion, orders that:

(A) A public hearing be held on May 1, 1941, at 9:30 a. m., in the hearing room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the lawfulness of the rates or charges, subject to the jurisdiction of the Commission, contained in said Memphis Natural Gas Company Supplement No. 1 to Supplement No. 2 to Rate Schedule FPC No. 3, for the sale of natural gas to Mississippi Power & Light Company for resale for ultimate public consumption for domestic, commercial, industrial or any other use;

No. 51—2

(B) Pending such hearing and decision thereon, the schedule of increased rates or charges contained in said Supplement No. 1 to Supplement No. 2 to Rate Schedule FPC No. 3, except insofar as they may provide for the sale of natural gas for resale for ultimate public consumption for industrial use, be and it is hereby suspended until August 17, 1941, or until such time thereafter as said Schedule shall have been made effective in the manner prescribed by section 4 (e) of the Natural Gas Act;

(C) During the said period of suspension, the rates or charges collected and received by Memphis Natural Gas Company from Mississippi Power & Light Company, as provided in Memphis Natural Gas Company Supplement No. 2 to Rate Schedule FPC No. 3, except insofar as it may be for the sale of natural gas for resale for industrial use, shall remain and continue in full force and effect;

(D) At such hearing, the burden of proof to show that any of the aforesaid proposed increased rates or charges are just and reasonable shall be upon the Memphis Natural Gas Company.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 41-1853; Filed, March 13, 1941;
9:27 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4164]

IN THE MATTER OF FRANK B. MORAN, AN
INDIVIDUAL DOING BUSINESS AS MAG-
NETIC RAY COMPANY AND AS MAGNETIC
RAY CLINIC

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 11th day of March, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Arthur F. Thomas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, April 3, 1941, at ten o'clock in the forenoon of that day (central standard time) in Room 330, Post Office Building, Dallas, Texas.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial ex-

aminer will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-1855; Filed, March 13, 1941;
10:39 a. m.]

[Docket No. 4210]

IN THE MATTER OF PELICAN STATE CANDY
COMPANY, A CORPORATION, AND MAX J.
PINSKI, INDIVIDUALLY AND AS OFFICER OF
PELICAN STATE CANDY COMPANY AND
FORMERLY INDIVIDUALLY AND TRADING AS
PELICAN STATE CANDY COMPANY AND
ROYAL CHOCOLATES

ORDER APPOINTING TRIAL EXAMINER AND FIX- ING TIME AND PLACE FOR TAKING TESTI- MONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 11th day of March, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41.)

It is ordered, That Arthur F. Thomas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, April 14, 1941, at ten o'clock in the forenoon of that day (central standard time) in Room 611, Federal Office Building, New Orleans, Louisiana.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-1856; Filed, March 13, 1941;
10:39 a. m.]

[Docket No. 4323]

IN THE MATTER OF STANLEY SIKOPARIJA
AND SOPHIA STRBOYA SIKOPARIJA, INDI-
VIDUALS, TRADING AS STANLEY'S DRUG
STORE

ORDER APPOINTING TRIAL EXAMINER AND FIX- ING TIME AND PLACE FOR TAKING TESTI- MONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 11th day of March, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant

to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Arthur F. Thomas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, April 7, 1941, at ten o'clock in the forenoon of that day (central standard time) in Room 330, Post Office Building, Dallas, Texas.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-1857; Filed, March 13, 1941;
10:39 a. m.]

[Docket No. 4438]

IN THE MATTER OF GORDON FOODS, INC., A
CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND
FIXING TIME AND PLACE FOR TAKING
TESTIMONY

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 11th day of March, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to the authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Arthur F. Thomas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, April 21, 1941, at ten o'clock in the forenoon of that day (central standard time) in Room 324, Old Post Office Building, Atlanta, Georgia.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-1858; Filed, March 13, 1941;
10:40 a. m.]

SECURITIES AND EXCHANGE COM-
MISSION.

[File No. 70-249]

IN THE MATTER OF BIRMINGHAM GAS
COMPANY

ORDER GRANTING APPLICATION AND PERMIT-
TING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 13th day of March, A. D. 1941.

The above named person having filed an application and declaration pursuant to the Public Utility Holding Company Act of 1935, particularly section 6 (b) thereof, and Rule U-12C-1 thereunder, regarding the issuance and sale on April 1, 1941 to Northwestern Mutual Life Insurance Company, Milwaukee, Wisconsin, of \$5,850,000 principal amount of First Mortgage Bonds, 3½% Series Due 1971, at a price of 105.02% of the principal amount thereof, such bonds to be secured by a first mortgage on all of applicant's physical property and franchises (with certain minor exceptions), evidenced by an indenture of mortgage to Chemical Bank & Trust Company, New York, as trustee; the proceeds of said sale to be devoted to the redemption of \$5,850,000 principal amount of applicant's First Mortgage Gold Bonds, 5% Series Due 1959, at 103.75% of their principal amount, to the payment of a fee of \$29,250 to Halsey, Stuart & Co., Inc., for its services in negotiating such sale and in assisting and advising applicant in other respects in connection therewith; and to the payment of estimated expenses of \$39,910; the issuance and sale of said bonds having been approved by the Alabama Public Service Commission on January 27, 1941; and

Said application and declaration having been filed on February 8, 1941, and the last amendment thereto having been filed on March 12, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-8 promulgated pursuant to said Act and the Commission not having received a request for a hearing with respect to said application and declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The above named party having requested that said application and declaration, as filed or as amended, be granted and permitted to become effective as soon as possible; and

The Commission deeming it appropriate in the public interest and the interest of investors and consumers to permit the said declaration pursuant to Rule U-12C-1 to become effective and finding with respect to said application pursuant to section 6 (b) of the Act that said transaction should be exempted from the provisions of section 6 (a) of said Act, and being satisfied that the effective date

of such declaration, as amended, and the date of granting such application, as amended, should be advanced.

It is hereby ordered, Pursuant to said Rule U-8 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-9 that the aforesaid declaration, as amended, be and hereby is permitted to become effective and that the aforesaid application, as amended, be and hereby is granted forthwith.

By the Commission, Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-1867; Filed, March 13, 1941;
11:37 a. m.]

[File No. 70-274]

IN THE MATTER OF SOUTH CAROLINA ELE-
CTRIC & GAS COMPANY AND SOUTHEASTERN
ELECTRIC AND GAS COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of March, A. D. 1941.

Notice is hereby given that a declaration and application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named parties; and

Notice is further given that any interested person may, not later than March 28, 1941, at 4:30 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest; or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration and application, as filed or as amended, may become effective or may be granted, as provided in Rule U-8 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration and application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

South Carolina Electric & Gas Company proposes to issue and sell to the President and Directors of The Manhattan Company, 40 Wall Street, New York its promissory note in the amount of \$600,000; said note to be dated on or before March 31, 1941, to mature on or before September 30, 1943, and to be payable in monthly installments of \$25,000, the first installment being payable October 31, 1941, and to bear interest at the rate of 3¼% per annum payable monthly beginning one month from the date of such note.

Southeastern Electric and Gas Company, parent of South Carolina Electric & Gas Company, proposes to execute a collateral agreement whereby all indebtedness of South Carolina Electric & Gas Company to Southeastern Electric and Gas Company shall be subordinated to the prior payment in full of said note and interest thereon.

The proceeds of said note will be used by South Carolina Electric & Gas Company (1) to pay the unpaid balance of \$350,000 on its promissory note (originally \$500,000) now outstanding in favor of the President and Directors of The Manhattan Company; (2) to pay the unpaid balance of \$89,656 on its note (originally \$97,856) to A. C. F. Motors Company; and (3) the balance of \$160,344 (less expenses estimated at \$3,500) to pay the cost of construction of extensions and betterments to the facilities of the company.

Applicant and declarant have designated sections 6 (b), 9 (a), 12 (b) and 12 (c) of the Act and Rules 12B-1 (b) and U-12C-1 (b) (2) as applicable to the above transaction.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-1871; Filed, March 13, 1941;
11:51 a. m.]

[File No. 70-275]

IN THE MATTER OF CENTRAL U. S. UTILITIES
COMPANY AND MISSOURI GENERAL UTILITIES
COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of March, A. D. 1941.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named parties; and

Notice is further given that any interested person may, not later than March 28, 1941, at 4:30 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest; or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration and application, as filed or as amended, may become effective or may be granted, as provided in Rule U-8 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration and application, which is

on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Missouri General Utilities Company proposes to issue 2,000 shares of its common stock of no par value to its parent company, Central U. S. Utilities Company, and the latter company proposes to acquire such stock, for a total cash consideration of \$100,000.

The proceeds received from said transaction are to be used by Missouri General Utilities Company in the construction of a double circuit 33 kv. transmission line 23.5 miles in length from Ste. Genevieve, Missouri, to the Ste. Genevieve County line in the direction of Flat River, Missouri, there to connect with the facilities of Union Electric Company of Missouri, to enable the Missouri General Utilities Company to meet the demands of its consumers by purchasing electricity from said Union Electric Company of Missouri.

Applicants have designated sections 6 (b) and 10 (b), 10 (c) and 10 (f) of the Act as applicable to the above transaction.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-1872; Filed, March 13, 1941;
11:51 a. m.]

